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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,437

12/03/2003

Robert B. O'Hara JR.

6561/53788

5828

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7590

11/02/2006

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EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,437

Applicant(s)

O'HARA ET AL.

Examiner

Charles Shedrick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The cross reference to related applications needs to reflect the correction Application No: in paragraph 0004.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6, 8-9, and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichmeyer et al., US Patent No.: 6,286,038 B1, hereinafter, "Reichmeyer", in view of Jaszewski et al., US Patent No.: 6,208,629 B1, hereinafter, "Jaszewski"

Consider **claim 1**, Reichmeyer teaches a network system (i.e., see figures) comprising at least one access element for communication with at least one remote client element (i.e., summary of the invention, and more specifically i.e., see network device 61 of figure 8), wherein the at least one access element is operative to transmit neighbor messages (i.e., see at least figure 8, claims 1 and 27), and at least one central control element for controlling and managing connections between access elements and remote client elements (i.e., see central configuration server 26 of figure 8), a method facilitating the initialization and configuration of an access element (i.e., see at least the abstract), comprising monitoring for neighbor messages from at least one neighboring access element (i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17), the neighbor messages identifying at least one central control element and a corresponding computer network address(i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17 and claims 1 and 27); selecting a central control element(i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17 and claims 1 and 27); transmitting, using a corresponding computer network address, a request the selected central control element(i.e.,

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summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

However, Reichmeyer does not specifically teach a wireless system where the neighbor messages are transmitted wirelessly.

In analogous art Jaszewski teaches a wireless system where the neighbor messages are transmitted wirelessly (i.e., see at least figure 1, summary of the invention, and more specifically i.e., col. 5 lines 10-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Reichmeyer to include a wireless system where the neighbor messages are transmitted wirelessly as taught by Jaszeski for the purpose of easing network management. Reichmeyer teaches a representation of a machine 220 which may comprise a server, router, switch, or any other computer system or network device.

Consider **claim 11**, Reichmeyer teaches in a network system comprising at least one access element for communication with at least one remote client element (i.e. summary of the invention, and more specifically i.e., see network device 61 of figure 8), and at least one central control element for controlling and managing connections between access elements and remote client elements (i.e. summary of the invention, and more specifically i.e., see 26 of figure 8), a method facilitating the initialization and configuration of an access element (i.e., see at least abstract), comprising detecting at least one neighboring access element(i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17 and claims 1 and 27); receiving at least one message from the at least one neighboring access element(i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line

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17 and claims 1 and 27), the at least one message identifying at least one central control element and a corresponding computer network address(i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17 and claims 1 and 27); selecting a central control element(i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17 and claims 1 and 27); transmitting, using a corresponding computer network address, a request to the selected central control element(i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

However, Reichmeyer does not specifically teach a wireless system where the neighbor messages are transmitted wirelessly.

In analogous art Jaszewski teaches a wireless system where the neighbor messages are transmitted wirelessly (i.e., see at least figure 1, summary of the invention, and more specifically i.e., col. 5 lines 10-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Reichmeyer to include a wireless system where the neighbor messages are transmitted wirelessly as taught by Jaszewski for the purpose of easing network management. Reichmeyer teaches a representation of a machine 220 which may comprise a server, router, switch, or any other computer system or network device.

Consider **claim 14** Reichmeyer teaches apparatus for communication with at least one remote client element and for communication with a central control element (i.e. summary of the invention, and more specifically i.e., see network device 61 of figure 8); a network interface for communication with a central control element over a computer network (i.e., see the network

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interface of figure 12); an access point module controlling the network interface (i.e., the processor of figure 12), wherein the access point module is operative to: establish and maintain, in conjunction with a central control element, connections with remote client elements(i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17 and claims 1 and 27), receive control data from a central control element(i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17 and claims 1 and 27); and a configuration module (i.e., 226 of figure 12 see also col. 11 lines 48-55) operative to: monitor for wireless neighbor messages from at least one neighboring access element, the neighbor messages identifying at least one central control element and a corresponding computer network address(i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17 and claims 1 and 27); select a central control element(i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17 and claims 1 and 27); and transmit, using a corresponding computer network address, a request to the selected central control element(i.e., summary of the invention, and more specifically i.e., see figure 8 and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

However, Reichmeyer does not specifically teach a wireless transmit/receive unit for communication with at least one remote client element and a wireless system where the neighbor messages are transmitted wirelessly.

In analogous art Jaszewski teaches a wireless transmit/receive unit for communication with at least one remote client element (i.e., see at least figure 1, summary of the invention, and more specifically i.e., col. 5 lines 10-15) and a wireless system where the neighbor messages are

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transmitted wirelessly (i.e., see at least figure 1, summary of the invention, and more specifically i.e., col. 5 lines 10-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Reichmeyer to include a wireless transmit/receive unit for communication with at least one remote client element and a wireless system where the neighbor messages are transmitted wirelessly as taught by Jaszeski for the purpose of easing network management. Reichmeyer teaches a representation of a machine 220 which may comprise a server, router, switch, or any other computer system or network device.

Consider **claim 2 and the method of claim 1**, Reichmeyer as modified by Jaszewski teaches the claimed invention further comprising exchanging configuration information with the selected central control element (i.e., summary of the invention, and more specifically i.e., see **figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

Consider **claim 3 and the method of claim 1**, Reichmeyer as modified by Jaszewski teaches the claimed invention transmitting discovery requests over a wired computer network; monitoring for discovery responses to the discovery requests (i.e., summary of the invention, and more specifically i.e., see **figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27), each discovery response identifying a central control element (i.e., summary of the invention, and more specifically i.e., see **figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

Consider **claim 4 and the method of claim 3**, Reichmeyer teaches wherein the selecting step comprises selecting a central control element identified in a neighbor message or a

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discovery response (i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

However, Reichmeyer does not specifically teach a wireless system where the neighbor messages are transmitted wirelessly.

In analogous art Jaszewski teaches a wireless system where the neighbor messages are transmitted wirelessly (i.e., see at least figure 1, summary of the invention, and more specifically i.e., col. 5 lines 10-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Reichmeyer to include a wireless system where the neighbor messages are transmitted wirelessly as taught by Jaszewski for the purpose of easing network management. Reichmeyer teaches a representation of a machine 220 which may comprise a server, router, switch, or any other computer system or network device.

Consider **claim 5 and the method of claim 3**, Reichmeyer teaches wherein the selecting comprises selecting a central control element identified in a neighbor message and a discovery response (i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

However, Reichmeyer does not specifically teach a wireless system where the neighbor messages are transmitted wirelessly.

In analogous art Jaszewski teaches a wireless system where the neighbor messages are transmitted wirelessly (i.e., see at least figure 1, summary of the invention, and more specifically i.e., col. 5 lines 10-15).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Reichmeyer to include a wireless system where the neighbor messages are transmitted wirelessly as taught by Jaszewski for the purpose of easing network management. Reichmeyer teaches a representation of a machine 220 which may comprise a server, router, switch, or any other computer system or network device.

Consider **claim 6 and as applied to the method of claim 2**, Reichmeyer as modified by Jaszewski teaches wherein the information includes the computer network addresses of the central control elements in an administrative group associated with the selected central control element (i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

Consider **claim 8 and as applied to the method of claim 2**, Reichmeyer as modified by Jaszewski teaches wherein the exchanged information allows for operation in an access point mode under the control of the selected central control element (i.e., the mode of operation is based on the configuration file) (i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

Consider **claim 9 and as applied to the method of claim 8**, Reichmeyer as modified by Jaszewski teaches the claimed invention further comprising operating in an access point mode under control of the selected central control element (i.e., the central configuration server controls what configurations are sent to the network device which in turn controls the operation of the network device) (i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

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Consider **claim 12 and as applied to the method of claim 11**, Reichmeyer as modified by Jaszewski teaches wherein the at least one message is a neighbor message (i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

Consider **claim 13 and as applied to the method of claim 11**, Reichmeyer teaches the claimed invention except comprising establishing a wireless connection with a detected neighboring access element to receive the at least one message.

In analogous art Jaszewski teaches establishing a wireless connection with a detected neighboring access element to receive the at least one message (i.e., see at least figure 1, summary of the invention, and more specifically i.e., col. 4 line 55-col. 5 line 18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Reichmeyer to include establishing a wireless connection with a detected neighboring access element to receive the at least one message as taught by Jaszewski for the purpose of easing network management. Reichmeyer teaches a representation of a machine 220 which may comprise a server, router, switch, or any other computer system or network device.

Consider **claim 15 and as applied to the apparatus of claim 14**, Reichmeyer as modified by Jaszewski teaches wherein the configuration module is further operative to exchange configuration information with the selected central control element (i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

Consider **claim 16 and as applied to the apparatus of claim 14**, Reichmeyer as modified by Jaszewski teaches wherein the configuration module is further operative to transmit discovery requests over a wired computer network (i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27); and monitor for discovery responses to the discovery requests (i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27), each discovery response identifying a central control element (i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

Consider **claim 17 and as applied to the apparatus of claim 16**, Reichmeyer teaches wherein the selecting comprises selecting a central control element identified in a neighbor message and a discovery response (i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

However, Reichmeyer does not specifically teach a wireless system where the neighbor messages are transmitted wirelessly.

In analogous art Jaszewski teaches a wireless system where the neighbor messages are transmitted wirelessly (i.e., see at least figure 1, summary of the invention, and more specifically i.e., col. 5 lines 10-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Reichmeyer to include a wireless system where the neighbor messages are transmitted wirelessly as taught by Jaszewski for the purpose of easing network management. Reichmeyer teaches a representation of a machine 220 which may comprise a server, router, switch, or any other computer system or network device.

Consider **claim 18 and as applied to the apparatus of claim 14**, Reichmeyer teaches wherein the access point module is operative to tunnel traffic associated with remote client elements to a central control element (i.e., traffic traversing the network device to access the server) (i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27).

However, Reichmeyer does not specifically teach transmitting wireless traffic.

In analogous art Jaszewski teaches teach transmitting wireless traffic (i.e., see at least figure 1, summary of the invention, and more specifically i.e., col. 5 lines 10-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Reichmeyer to include a wireless system where the traffic is transmitted wirelessly as taught by Jaszewski for the purpose of easing network management. Reichmeyer teaches a representation of a machine 220 which may comprise a server, router, switch, or any other computer system or network device.

Consider **claim 19 and as applied to the apparatus of claim 14**, Reichmeyer as modified by Jaszewski teaches wherein the access point module is operative to switch to a neighbor message mode at periodic intervals to transmit neighbor messages (i.e., configuration changes)(i.e., summary of the invention, and more specifically i.e., **see figure 8** and col. 7 line 59- col. 8 line 17 and claims 1 and 27),

Claims **7 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichmeyer et al., US Patent No.: 6,286,038 B1, hereinafter, "Reichmeyer", in view of Jaszewski et al., US Patent No.: 6,208,629 B1, hereinafter, "Jaszewski" and further in view of Collins US Patent No.: 6,917,819 B2.

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Consider **claims 7 and 10 and as applied to claims 6 and 9**, Reichmeyer as modified by Jaszewski teaches the claimed invention further comprising a central control element (i.e., see at least 26 of figure 8).

However, Reichmeyer as modified by Jaszewski does not specifically teach after detecting the failure of the selected central control element, selecting a second central control element from the administrative group; using the computer network address of the selected second central control element to exchange configuration information with the selected second control element.

In the analogous art Collins teaches after detecting the failure of the selected database (i.e., col. 16 lines 11-23 and col. 12 lines 29-36) selecting a second database from the administrative group (i.e., col. 16 lines 11-23 and col. 12 lines 29-36); using the computer network address of the selected second database to exchange configuration information with the selected second database (i.e., col. 16 lines 11-23 and col. 12 lines 29-36).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Reichmeyer as modified by Jaszewski to include after detecting the failure of the selected central control element, selecting a second central control element from the administrative group; using the computer network address of the selected second central control element to exchange configuration information with the selected second control element for the purpose of service availability as taught by Collins.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Gunner et al. US Patent No.: 5,491,692 teaches access elements that relay other elements to central control elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621.

The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles Shedrick
AU 2617
October 28, 2006


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